UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,323	12/21/2000	Vaughn Iverson	42390P9916	2049

8791 7590 10/13/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
ROSEN, NICHOLAS D	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/745,323	IVERSON ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32 and 40-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *16-19 and 45-48* is/are allowed.

6)☒ Claim(s) *1-15,20-24,26-30,32,40-44,49 and 50* is/are rejected.

7)☒ Claim(s) *25 and 31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-32 and 40-50 have been examined.

Claim Objections

Claim 25 is objected to because of the following informalities: In the first line, "A digital content management" should presumably be, "A digital content management system". The word "and" at the end of the eighth line should be deleted, and the period at the end of the twelfth line replaced by a semicolon. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2 and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1, as amended, defines the manifest as comprising structure corresponding to a physical structure of the work, but claim 2 recites, "wherein the work is a digital representation of a physical good, and the manifest comprises structure corresponding to the physical good." A digital representation, as such, does not appear

to have physical structure, although it can be embodied in an object possessing physical structure. Thus, the specification does not describe how to make or use the invention as claimed in claims 2 and 41.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 3, 40 and 41

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) in view of official notice. As per claim 1, Wiser discloses a method to electronically represent a work, the method comprising: storing in a manifest a first reference to a first digital resource, and a first meta-data describing the

first digital resource (Abstract; Figure 2; column 6, line 47, through column 8, line 17); storing in the manifest a second reference to a second digital resource, and a second meta-data describing the second digital resource (Abstract; Figure 2; column 6, line 47, through column 8, line 17); and storing in the manifest a structural relationship between said first and second digital resources (Abstract; Figure 2; column 6, line 47, through column 8, line 17); wherein the manifest comprises structure corresponding to the work (Abstract; Figure 2; column 6, line 47, through column 8, line 17). Wiser does not expressly disclose that the manifest corresponds to a physical structure of the work, but does disclose a work with physical structure (a CD) for the manifest to correspond to (Figure 14, especially the "Buy CD" button in Figure 14; column 26, line 62, through column 27, line 5). Official notice is taken that it is well known for packaged CD's to include such physical structure as written titles, artists' names, lyrics, liner notes, promotional art, and cover art (cf. Wiser, column 6, lines 60-62; the Examiner has several dozen CD's on his desk, all of which have titles, artists' names, and cover art, and many of which have lyrics, liner notes, etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the manifest to correspond to a physical structure of the work, for the obvious advantage of arranging for potential customers to find out about and purchase goods having physical structure (and perhaps have such goods made to order).

As per claim 2, Wiser discloses that the work is a physical representation of a physical good (Figure 14, especially the "Buy CD" button in Figure 14; column 25, line 50, through column 26, line 2; column 26, line 62, through column 27, line 5).

As per claim 3, Wiser discloses storing within the manifest selected ones of purchasing data for the work, purchasing data for said digital resources, intended audience ratings for said digital resources, content ratings for said digital resources, and processing rules describing how a machine is to process the manifest (column 3, line 32, through column 5, line 16).

Claims 40 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) and official notice as applied to claims 1 and 2 above (respectively). Wiser does not disclose a machine accessible medium having instruction encoded thereon for collecting and managing digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 1 (or of further performing the operations of claim 2), but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a machine accessible medium having instructions encoded thereon for collecting and managing digital content, said instructions, when executed by a machine, being capable of directing the machine to perform the operations of claim 1 (as per claim 40) and claim 2 (as per claim 41), for the obvious advantage of sparing the cost of hiring human beings to enter all data stored according to the methods of claim 1 and claim 2 by hand.

Claims 4-15 and 42-44

Claims 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 42, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) in view of official notice. As per claim 4, Wiser discloses a method for defining a manifest for a specific digital representation of a work, comprising: storing in the manifest a first reference to a first digital resource (Abstract; Figure 2; column 6, line 47, through column 8, line 17); storing in the manifest a first meta-data describing selected ones of the manifest and the first digital resource (Abstract; Figure 2; column 6, line 47, through column 8, line 17); making the manifest available for receiving by a receiver (Abstract; Figure 2; column 6, line 47, through column 8, line 17); and associating the first reference and the first meta-data so that the manifest comprises structure corresponding to a physical good (Abstract; Figure 2; column 6, line 47, through column 8, line 17; Figure 14, especially the "Buy CD" button in Figure 14; column 25, line 50, through column 26, line 2; column 26, line 62, through column 27, line 5). Wiser does not expressly disclose that the manifest corresponds to a physical structure of the work, but does disclose a work with physical structure (a CD) for the manifest to correspond to (Figure 14, especially the "Buy CD" button in Figure 14; column 26, line 62, through column 27, line 5). Official notice is taken that it is well known for packaged CD's to include such physical structure as written titles, artists' names, lyrics, liner notes, promotional art, and cover art (cf. Wiser, column 6, lines 60-62; the Examiner has several dozen CD's on his desk, all of which have titles, artists' names, and cover art, and many of which have lyrics, liner notes, etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention

for the manifest to correspond to a physical structure of the work, for the obvious advantage of arranging for potential customers to find out about and purchase goods having physical structure (and perhaps have such goods made to order).

As per claim 5, Wiser discloses that said digital resource includes selected one of audio data, video data, audiovisual data, image data, binary data, world wide web documents, virtual reality data, textual data, holographic data, and programming language programs (Abstract; Figure 2; column 6, line 47, through column 8, line 17).

As per claim 6, Wiser does not disclose that the first meta-data comprises an intended-audience attribute, but official notice is taken that it is well known for information associated with a work to comprise an intended-audience attribute (e.g., "fun for the whole family," "adult only," "a must for country music fans," etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the first meta-data comprise an intended-audience attribute, for the obvious advantage of assisting potential buyers in deciding whether they wish to buy a particular digital work.

As per claim 7, Wiser does not quite expressly disclose storing purchasing data for the first digital resource in the manifest to facilitate a purchase decision by a receiver of the manifest, but does disclose a media data file (manifest) with clips and other information for previewing by the consumer to decide whether or not to purchase the high fidelity version (column 3, lines 50-62). Official notice is taken that it is well known to store purchasing data with products for sale (e.g., the price, what credit cards are accepted, etc.). Hence, it would have been obvious to one of ordinary skill in the art of

electronic commerce at the time of applicant's invention to store purchasing data for the first digital resource in the manifest to facilitate a purchase decision by a receiver of the manifest, for the obvious advantage of enabling potential purchasers to conveniently purchase the first digital resource.

As per claim 8, Wiser discloses storing in the manifest a second reference to a second digital resource, said first and second digital resource encoding an original resource with differing encoding quality; and setting prices in the purchasing data for said fist and second resources based at least in part on said encoding quality (column 3, lines 50-62).

As per claim 9, Wiser discloses storing in the manifest a second reference to a second digital resource related to but not included in the physical good (column 3, lines 50-62) (songs recorded with lower quality are not generally included in CD's along with the same songs recorded at higher fidelity).

As per claim 10, Wiser discloses storing in the manifest a second reference to a second digital resource, said first and second digital resource encoding an original resource with differing encoding quality; and setting prices in a purchasing data for said fist and second resources based at least in part on said encoding quality (column 3, lines 50-62).

As per claim 12, Wiser discloses storing digital rights management information within the manifest (column 7, lines 27-49; column 8, line 1, through column 9, line 36).

As per claim 13, Wiser discloses storing authentication information within the manifest (column 12, line 16, through column 13, line 2).

As per claim 14, Wiser discloses storing in the manifest a second reference to a second digital resource, said first and second digital resource encoding an original resource with differing encoding quality (column 3, lines 50-62).

As per claim 15, Wiser does not disclose encoding the manifest with a hierarchical tag-based markup language; and structuring the manifest with respect to a rules-based grammar. However, official notice is taken that hierarchical tag-based markup languages are well known (e.g., HTML, XML), and that that it is well known for programs and files to be structured with respect to a rules-based grammar (e.g., any programming language). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to encode the manifest with a hierarchical tag-based markup language, and structure the manifest with respect to a rules-based grammar, for the obvious advantage of making the manifest conveniently available over the Internet (which Wiser teaches doing, e.g., column 3, lines 11-19).

As per claims 42, 43, and 44, Wiser does not disclose a machine accessible medium having instruction encoded thereon for defining a manifest for digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 4 (or of further performing the operations of claims 7 or 8), but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a

machine accessible medium having instructions encoded thereon for defining a manifest for digital content, said instructions, when executed by a machine, being capable of directing the machine to perform the operations of claim 4 (as per claim 42), claim 7 (as per claim 43), and claim 8 (as per claim 44), for the obvious advantage of sparing the cost of hiring human beings to enter all data stored according to the methods of claim 4, claim 7, and claim 8 by hand.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) and official notice as applied to claim 4 above, and further in view of Goddard (U.S. Patent 6,684,240). Wiser does not disclose storing content ratings information within the manifest so that the receiver can filter content according to said content ratings, but it is well known to store content ratings information with a work to enable receivers to filter content according to said content ratings, as taught by Goddard (Abstract; column 1, lines 14-25). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store content ratings information within the manifest so that the receiver could filter content according to said content ratings, for the stated advantages of enabling users to avoid exposure to work they consider offensive, or inappropriate for their children.

Claims 20-24, 26, and 27

Claims 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spagna et al. (U.S. Patent 6,587,837) in view of official notice. Spagna discloses a digital content management system, comprising: a storage for storing digital content collections (column 12, line 7, through column 13, line 13), wherein a collection

comprises a link reference to digital content (column 76, lines 46-65) and meta-data describing selected ones of said digital content and the collection (column 12, lines 34-67; column 76, lines 46-65); a communication agent communicatively coupled to the storage (column 79, lines 26-37); a receiver communicatively coupled to the communication agent (column 22, lines 25-30; column 25, lines 31-49), said receiver configured to inspect said meta-data and process the collection accordingly (column 21, line 58, through column 22, line 30); and a transmitter communicatively coupled to the communication agent, said transmitter configured to inspect the reference to digital content to confirm retrievability of the digital content, and to make the collection available to other digital content management systems (column 14, line 49, through column 15, line 7; column 29, lines 40-48; column 73, lines 4-14; column 79, lines 26-37). Spagna does not disclose that said processing the collection includes comparing the meta-data to a policy and editing the meta-data, if necessary, to comply with the policy, but official notice is taken that it is well known to determine compliance of digital content with a receiver policy (e.g., Goddard's teaching of blocking content deemed inappropriate for children), and to edit digital content to conform the collection to a receiver policy (e.g., by deleting objectionable language). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for said processing the collection to include comparing the meta-data to a policy and editing the meta-data, if necessary, to comply with the policy, for the obvious advantage of preserving people from material offensive to themselves, or to such others as their parents.

As per claim 23, Spagna does not expressly disclose that digital content collections are encoded with a hierarchical tag-based markup language. However, official notice is taken that hierarchical tag-based markup languages are well known (e.g., HTML, XML), and that that it is well known for files to be encoded with such languages. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for digital content collections to be encoded with a hierarchical tag-based markup language, for the obvious advantage of making the digital content collections conveniently available over the Internet.

Claims 21, 22, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spagna et al. (U.S. Patent 6,587,837) and official notice as applied to claim 20 above, and further in view of McCoy et al. (U.S. Patent Application Publication 2002/0037311). As per claim 21, Spagna does not expressly disclose a creation tool for creating the collection, but McCoy teaches a creation tool for creating a digital content collection (paragraph 86; Figure 16); and a user interface communicatively coupled to the creation tool, said user interface having a first interface tool to facilitate selection of the digital content, and a second interface tool to facilitate entering meta-data (paragraph 86; Figure 16). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the system comprise such a creation tool and user interface, for the obvious advantage of enabling persons with digital content to make available for sale to make it available.

As per claim 22, Spagna discloses a commerce agent comprising a payment tool configured to purchase digital content in accord with purchasing requirements (column

25, lines 43-49). Spagna does not expressly disclose a purchasing tool configured to determine purchasing requirements for received digital content collections, but does disclose that digital content collections include purchasing conditions (column 13, lines 24-38), which implies the capacity to receive and understand the purchasing conditions. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's inventions for a purchasing tool to be configured to determine purchasing requirements for digital content collections, for the obvious advantage of enabling potential purchasers to make purchases.

Spagna does not expressly disclose a search agent configured to receive search criteria and search for digital content collections satisfying said search criteria, although Spagna comes close (column 76, lines 28-40; column 94, lines 10-15). However, McCoy teaches a search agent configured to receive search criteria and search for digital content collections satisfying said search criteria (paragraphs 82, 83, and 84; Figure 14). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the system to include a search agent configured to receive search criteria and search for digital content collections satisfying said search criteria, for the obvious advantage of assisting potential purchasers in finding digital contents they would be likely to purchase.

As per claim 24, Spagna does not disclose a policy checker configured to check digital content collections received by the communication agent against a policy of the receiver, but Goddard teaches such policy checkers (column 1, lines 14-15), which are also rejecters, or coupled to rejecters, configured to reject received digital content

(column 1, lines 14-25). Neither Spagna nor Goddard expressly discloses a digital content collection editor, communicatively coupled to the policy checker, said editor configured to change digital content collections to comply with the policy. However, official notice is taken that digital content editors configured to change digital content collections to comply with policies are well known (e.g., by deleting offensive words). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the system include policy checker, digital content collection editor, and a digital content collection rejecter, for the obvious advantage of preventing viewers or listening to material offensive to themselves or to others (e.g., their parents).

As per claim 26, Spagna does not expressly disclose a search agent configured to locate digital content satisfying search criteria, said locating including searching the storage for satisfying digital content, but McCoy teaches a search agent configured to locate digital content satisfying search criteria, said locating including searching the storage for satisfying digital content (paragraphs 82, 83, and 84; Figure 14). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the system comprise a search agent configured to locate digital content satisfying search criteria, said locating including searching the storage for satisfying digital content, for the obvious advantage of assisting potential purchasers in finding digital contents they would be likely to purchase.

As per claim 27, Spagna does not disclose that the storage is communicatively coupled to the system through a network connection, but McCoy teaches this (Abstract).

Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the storage to be communicatively coupled to the system through a network connection, for the stated advantage of making the system less expensive and easier to bootstrap than a conventional system.

Claims 28, 29, 30, 32, 49, and 50

Claims 28, 32, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy et al. (U.S. Patent Application Publication 2001/0037311) in view of Wiser et al. (U.S. Patent 6,385,596) and official notice ***. As per claim 28, McCoy discloses a method for collecting and managing digital content, comprising: determining a first digital resource to include in a collection (paragraph 86; Figure 16); storing a first reference to the first resource in the collection (paragraphs 86 and 87; Figure 16); determining a first meta-data in the collection (paragraph 86; Figure 16); and storing the collection in a storage accessible by a receiver (paragraphs 41, 46, 50, 86 and 87; Figure 16). McCoy does not expressly disclose storing said associated first meta-data in the collection; inspecting, by the receiver, of the first meta-data description; and determining, based on at least said inspecting, whether to obtain the first resource according to the first reference. However, Wiser teaches storing associated meta-data in a collection (column 3, lines 50-62); inspecting, by the receiver, of the first meta-data description (column 3, lines 50-62); and determining, based on at least said inspecting, whether to obtain the first resource according to the first reference (column 3, lines 50-62). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store said associated first meta-data in

the collection; to enable inspecting, by the receiver, of the first meta-data description; and determining, based on at least said inspecting, whether to obtain the first resource according to the first reference, for the obvious advantage of increasing sales of digital resources by enabling potential purchasers to learn what they're getting.

McCoy does not disclose that said meta-data has a structure related to a physical structure of a good associated with the digital resource, but Wiser teaches meta-data having a structure corresponding to the work (Abstract; Figure 2; column 6, line 47, through column 8, line 17). Wiser does not expressly disclose that the meta-data corresponds to a physical structure of a good associated with the digital resource, but does disclose a good with a physical structure (a CD), said good associated with the digital resource, for the meta-data to correspond to (Figure 14, especially the "Buy CD" button in Figure 14; column 26, line 62, through column 27, line 5). Official notice is taken that it is well known for packaged CD's to include such physical structure as written titles, artists' names, lyrics, liner notes, promotional art, and cover art (cf. Wiser, column 6, lines 60-62; the Examiner has several dozen CD's on his desk, all of which have titles, artists' names, and cover art, and many of which have lyrics, liner notes, etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the meta-data to have a structure related to a physical structure of a good associated with the digital resource, for the obvious advantage of arranging for potential customers to find out about and purchase an associated good having physical structure (and perhaps have such a good made to order).

As per claim 32, McCoy does not expressly disclose logically structuring the collection to correspond to a physical good, but Wiser discloses this (Abstract; Figure 2; column 6, line 47, through column 8, line 17). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to logically structure the collection to correspond to a physical good, for the obvious advantage of making available equivalents of such features of a physical CD as a title, liner notes, cover art, etc., to attract customers.

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy, Wiser, and official notice as applied to claim 28 above, and further in view of Spagna (U.S. Patent 6,587,837). As per claim 29, McCoy discloses the use of security data, but not expressly for the purpose of facilitating the detection of alterations to the collection. However, Spagna teaches associating security data with digital content to make the content resistant to alteration (column 10, lines 58-65). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate security data with the collection to facilitate detecting alterations to the collection, for the obvious advantages of preventing and/or deterring piracy of the digital content.

As per claim 30, McCoy does not disclose determining compliance of the collection with a receiver policy, and editing the collection to conform the collection to the receiver policy, but official notice is taken that it is well known to determine compliance of digital content with a receiver policy (e.g., Goddard's teaching of blocking content deemed inappropriate for children), and to edit digital content to conform the

collection to a receiver policy (e.g., by deleting objectionable language). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to determine compliance of the collection with a receiver policy, and edit the collection to conform the collection to the receiver policy for the obvious advantage of preserving people from material offensive to themselves, or to such others as their parents.

McCoy does not disclose revising, by the receiver, said associated security in accordance with said editing, but official notice is taken that associated security frequently takes the form of a hash such that any alteration of the protected data is likely to change the security data. Hence, in the case of this common technique being employed, editing of the collection would necessarily involve revising the associated security data.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy, Wiser, and official notice as applied to claim 28 above. McCoy does not disclose a machine accessible medium having instruction encoded thereon for collecting and managing digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 28, but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a machine accessible medium having instructions encoded thereon for defining a manifest for digital content, said instructions,

when executed by a machine, being capable of directing the machine to perform the operations of claim 28, for the obvious advantage of sparing the cost of hiring human beings to enter all data, etc. stored according to the method of claim 28 by hand.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy, Wiser, Spagna, and official notice as applied to claim 29 above. McCoy does not disclose a machine accessible medium having instruction encoded thereon for collecting and managing digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 29, but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a machine accessible medium having instructions encoded thereon for defining a manifest for digital content, said instructions, when executed by a machine, being capable of directing the machine to perform the operations of claim 29, for the obvious advantage of sparing the cost of hiring human beings to enter all data, etc. stored according to the method of claim 29 by hand.

Allowable Subject Matter

Claims 16-19 and 45-48 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Wiser et al. (U.S. Patent 6,385,596), discloses

receiving a manifest for a work comprising a description of data stored by a collection, a reference to a first digital resource, and meta-data describing the first digital content, wherein the manifest comprises a relationship between the reference and said meta-data so that the manifest includes structure corresponding to the work (Abstract; Figure 2; column 6, line 47, through column 8, line 17). Wiser does not disclose testing compliance of the description with at least one policy stored in the receiver and affecting receipt of collections; determining whether the manifest can be edited to comply with the policy; and if not, disposing of the manifest. It is well known to block access to inappropriate data, including testing to determine whether the data complies with a policy (e.g., Goddard, U.S. Patent 6,684,240; Panepinto, "Sitters and Nannies, for Kids and Parents"). However, neither Wiser, Goddard, Panepinto, nor any other prior art of record teaches or reasonably suggests determining whether the manifest can be edited to comply with the policy; and responsive to determining that the manifest cannot be edited, disposing of the manifest.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim 25 would be allowable if amended to correct the minor informalities objected to above.

The following is an examiner's statement of reasons for allowability: The closest prior art of record, Spagna et al. (U.S. Patent 6,587,837), discloses a digital content management system, comprising: a storage for storing digital content collections (column 12, line 7, through column 13, line 13), wherein a collection comprises a link reference to digital content (column 76, lines 46-65) and meta-data describing selected ones of said digital content and the collection (column 12, lines 34-67; column 76, lines 46-65); a communication agent communicatively coupled to the storage (column 79, lines 26-37); a receiver communicatively coupled to the communication agent (column 22, lines 25-30; column 25, lines 31-49), said receiver configured to inspect said meta-data and process the collection accordingly (column 21, line 58, through column 22, line 30); and a transmitter communicatively coupled to the communication agent, said transmitter configured to inspect the reference to digital content to confirm retrievability of the digital content, and to make the collection available to other digital content management systems (column 14, line 49, through column 15, line 7; column 29, lines 40-48; column 73, lines 4-14; column 79, lines 26-37). Spagna does not disclose a policy checker configured to check digital content collections received by the communication agent against a policy of the receiver, but Goddard (U.S. Patent 6,684,240) teaches such policy checkers (column 1, lines 14-15), which are also rejecters, or coupled to rejecters, configured to reject received digital content (column 1, lines 14-25). Neither Spagna nor Goddard expressly discloses a digital content collection editor, communicatively coupled to the policy checker, said editor configured to change digital content collections to comply with the policy, but digital content editors

configured to change digital content collections to comply with policies are well known (e.g., by deleting offensive words). However, neither Spagna, Goddard, nor any other prior art of record discloses a rejecter configured to reject digital content collections that cannot be edited to comply with the policy.

Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and also rewritten to overcome objections to the claim language.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, McCoy (U.S. Patent Application Publication 2001/0037311), discloses various limitations of claim 28. Others, and limitations of claims 29 and 30, are taught by Wiser et al. (U.S. Patent 6,385,596) and Spagna et al. (U.S. Patent 6,587,837), or are held to be obvious. In particular, Spagna teaches associating security data with digital content to make the content resistant to alteration (column 10, lines 58-65), and Wiser discloses cryptographic signing of digital content. However, no prior art of record discloses using cryptographic signing of digital content to identify the receiver as having performed revision of digital content, and the fact that cryptographic signing is widely known is held to be insufficient to render this obvious.

Response to Arguments

Applicant's arguments filed July 6, 2004 have been fully considered but they are not persuasive. The only major point of contention appears to be that Applicant argues that the prior art does not teach a manifest or meta-data having a structure corresponding to the physical structure of a work or physical good (there are variations in the phrasing added to the independent claims as amended). Examiner responds that even if Wiser does not expressly disclose this (with the exact breadth of "this" varying from claim to claim), Wiser does not expressly disclose that the manifest corresponds to a physical structure of the work, but does disclose a work with physical structure (a CD) for the manifest to correspond to, as set forth in the rejection of claim 1, for example. CD's often have physical structure (including cover art, liner notes, lyrics, etc.) for which a manifest, as disclosed by Wiser, has digital equivalents.

The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gibbon et al. (U.S. Patent 6,714,909) disclose a system and method for automated multimedia content indexing and retrieval. Shehab (U.S. Patent Application Publication 2004/0117272) discloses a system for browsing stored entertainment content extracted from a different medium.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

October 5, 2004